

REMARKS

Assignee submits that the present amendment is fully responsive to the Office Action dated March 25, 2011 and, thus, the application is in condition for allowance.

By this reply, claims 1, 37, and 44 are amended. Claims 7-36 were previously withdrawn. Claims 1-6 and 37-50 remain pending. Of these, claims 1, 37 and 44 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1-4, 6, and 37-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank (US 6,888,927) in view of Mobley (US 6,327,342), further in view of Zhang (US 6,993,119), Koch (US 6,668,049), Aksu (US 7,174,163), and Khakoo et al. (US 2003/0133543). It is asserted that Cruickshank teaches all of the features of the present invention as recited in the claims but for locating contact information for the caller in a contact database but for features allegedly disclosed by Mobley, Zhang, Koch, Aksu, and Khakoo. It is further asserted that it would have been obvious to one of ordinary skill in the art to combine all of these references. Assignee respectfully traverses.

Neither Cruickshank nor Mobley nor Zhang nor Koch nor Aksu nor Khakoo, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims. For example, no reference of record discloses, among other things, communicating to the caller via the wireless device a message containing a called party's information, the called party being a user of the wireless device receiving a call from the caller, the called party's information including a name of the called party and a photo of the called party, wherein a call logic on the wireless device interacts with a contact manager logic on the wireless device to cause the contact information associated with the called party to be communicated to the caller via one or more of Short Message Service (SMS), Enhanced Message Service (EMS), and Multimedia Message

Service (MMS). This feature is found, for example, in paragraph [0038] of the present invention's specification. According to the present invention, when a caller calls a called party, the called party's information is sent to the caller by SMS, MMS, or EMS. Thus, the person making the call receives information on the person they are calling. This information includes a name and photo of the called party and is sent directly to the calling party, not simply posted somewhere for the calling party to look up.

At best, Cruickshank discloses relating information about a caller to a called (but missed) party *after* the caller leaves a message for the called (but missed) party. In fact, in contrast with the present invention, when using Cruickshank's invention, nothing happens if the called party answers the call (See, for example, col. 12, lines 48-52). It is only in the case of a missed call in which a message is left for the called party does Cruickshank's invention operate. There is no suggestion or motivation to perform it otherwise. Thus, Cruickshank operates a different invention using different techniques and different methods. Also, nowhere does Cruickshank even mention communicating any of the callee's information back to the caller. As stated above, this allows the caller to receive, for instance, a picture of the callee. This element is not present in Cruickshank.

Mobley also does not disclose the present invention as recited in the pending claims. At best, Mobley discloses a backup E911 system that operates if the primary E911 system experiences equipment failure (Mobley, Column 1, Lines 59-64). In no way does any device in Mobley operate to provide information back to the caller as recited in the pending claims.

Zhang also fails to cure the deficiencies of the other references. At most, Zhang teaches a conventional caller ID system (Zhang, Column 16, Lines 1-4). This also in no way provides information back to the caller. Additionally, Zhang teaches completely away from

Cruickshank's invention because Zhang's invention works with a standard (and very well known and conventional) Caller ID in real time while, as discussed above, the device of Cruickshank can only work if there is no reply to a phone call, or in other words, not in real time. It is therefore unclear how two references in divergent technical fields and having modes of operation which are completely distinct can be combined in a fair way to produce an invention that renders the present claims as obvious. Thus, in the absence of such reference or references, no such motivation exists other than Assignee's own disclosure and thus the claims should be deemed as allowable over the references of record.

Furthermore, Koch cannot cure the deficiencies of Cruickshank, Mobley, and Zhang because Koch also lacks these features. Koch discloses redirecting a telephone call according to instructions from the recipient (Koch, Column 2, Lines 20-23). However, nowhere does Koch disclose logic sending the callee's information back to the caller. At most, the cited portion of Koch discloses that someone answering the phone can tell a caller where the intended called party is (Koch, Column 1, Lines 17-40). The cited portion states that "The answering party may further take a message from the caller, or provide additional information regarding the intended called party's whereabouts (Koch, Column 1, Lines 30-34)." This is simply part of the background, stating that if the person one is trying to call isn't there then someone answering the phone may be able to tell the caller where the person is. This has nothing to do with call logic and contact manager logic interacting to send a message back to the caller. The caller is never sent the callee's information including the callee's name and photo, and certainly not in the manner claimed in the present invention.

Aksu fails to cure the deficiencies of the other references with respect to the claims because Aksu also lacks these features. The Examiner asserts that Aksu teaches a call logic on

the wireless device interacts with a contact manager logic on the wireless device to cause the contact information associated with the called party to be communicated to the caller via one or more of SMS, MMS, or EMS. This assertion by the Examiner is incorrect. Aksu discloses a picture caller line identification system for use in a mobile network (Aksu, Column 1, Lines 45-49). At most, Aksu discloses sending a message to a called party's handset (Aksu, Column 10, Lines 33-49). The cited portion of Aksu states that "The information is sent to the PCLI manager, and the PCLI manager sends the PCLI information onto the Enhanced Message System (EMS) for immediate delivery to the called party's handset" (Aksu, Column 10, Lines 33-49). Thus, the called party is receiving information from the calling party, not vice versa. The only information sent at all by the called party is an acknowledgement of the receipt of the PCLI information, and this is sent through the EMS to the PCLI manager, not the calling party. Nowhere does Aksu disclose sending a callee's information back to a caller using SMS, EMS, or MMS. Sending information to a party being called and sending information to the calling party are completely different features requiring completely different abilities in a device. Aksu does not disclose sending any message back to the caller. Thus, the caller is not provided with a name and photo of the callee. This feature is simply not present.

Finally, Khakoo cannot cure the deficiencies of the other references. Khakoo discloses delivering messages to a calling party (Khakoo, Paragraph [0006]). Khakoo provides a message document address to the calling party this is a pointer or hyperlink to a message document containing a message for the calling party (Khakoo, Paragraph [0006]). At most, this message document may include a name and photograph (Khakoo, Paragraph [0026]). However, this name and photograph is never being sent to the calling party. Only a link to where the name and photograph can be found is sent to the calling party. There is absolutely no disclosure of this

link being sent as an SMS, MMS, or EMS message. Thus, the calling party is not instantly getting the name and photograph in a message to their device. The calling party must further look up this information. This is not the same as the present invention, where the called party's name and photo are sent directly to the calling party in an SMS, MMS, or EMS message. Such a feature is simply not present. Therefore, Khakoo cannot cure the deficiencies of the other references with respect to the independent claims. For at least this reason, the rejection should be withdrawn.

In regards to claims 2-4, 6, and 38-42, since these dependent claims depend on independent claims 1 and 37, which stand free of any references of record and should be deemed allowable at least for the reasons stated forth above, these dependent claims then also are allowable by definition. Thus, no references of record render obvious any of these pending claims and the rejection should therefore be withdrawn. Each particular dependent claim includes further explicit limitations that stand free of any references of record on its own. As an example, the limitations recited in claims 6, 43 and 50 require information to be relayed and stored back in the wireless device used by the calling party, a feature not disclosed or fairly suggested by any of the references of record, even in the inventions described therein that are different than that of the present application. For at least these reasons, the rejection should be withdrawn.

In the outstanding Office Actions, claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of Mobley and further in view of Zhang, Koch, Aksu, Khakoo, and Gerszberg (USPN 6,385,305). It is asserted that the combination of Cruickshank, Mobley, Zhang, Koch, Aksu, and Khakoo teaches all of the features of the present invention as recited in the claims but for the ability to drag information from a GUI for a contact manager and

dropping it into a GUI for a wireless device interface logic. Further, it is alleged that Gerszberg teaches such limitation and, thus, it would have been obvious to combine such teaching into the combination of Cruickshank, Mobley, Zhang, Koch, and Khakoo to render obvious the present invention as recited in the claims. Assignee respectfully traverses.

Neither Cruickshank, Mobley, Zhang, Koch, Khakoo, nor Gerszberg, nor any other related reference of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, no reference, alone or in combination, discloses, among other things, communicating to the caller via the wireless device a message containing a called party's information, the called party being a user of the wireless device receiving a call from the caller, the called party's information including a name of the called party and a photo of the called party, wherein a call logic on the wireless device interacts with a contact manager logic on the wireless device to cause the contact information associated with the called party to be communicated to the caller via one or more of Short Message Service (SMS), Enhanced Message Service (EMS), and Multimedia Message Service (MMS). As stated above, Cruickshank, Mobley, Zhang, Koch, Aksu, and Khakoo are in different fields and operate in contrasting environments, but yet even if allowed to be combined, *arguendo*, could not be able to obviate the present invention as recited in the pending claims. Gerszberg cannot cure the deficiencies of these references. Gerszberg discloses an answering machine toolkit that allows creative messages to be left thereon (Gerszberg, Column 9, Lines 20-25). It is completely different from the present invention and does not anticipate, obviate or provide any suggestions or motivations that could be used to obviate the present invention as recited in the pending claims. Thus, even the combination of the seven references from different fields, even if any

such motivation existed, cannot obviate the present invention. The rejection should then be withdrawn and the application allowed to issue.

In the outstanding Office Actions, claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of Mobley in view of Zhang, Koch, Aksu, and Khakoo, and further in view of Official Notice. It is asserted that the combination of Cruickshank, Mobley, Zhang, Koch, Aksu, and Khakoo teaches all of the limitations of the present invention as recited in the claims but for logic to store the contact information received from an external computing device. Further, it is alleged that such feature is very well known and Official Notice is taken as such, without use of a reference. Assignee respectfully traverses.

The combination of Cruickshank, Mobley, Zhang, Koch, Aksu, and Khakoo is incapable of obviating the present invention as recited in the pending claims for at least the reasons set forth above. Thus, because such references of record are incapable of obviating such claims, it stands that any Official Notice of any particular additional feature cannot stand as well. Thus, the rejection should be withdrawn and the application allowed to issue.

In the outstanding Office Action, claims 44, 45, and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang (US 6,693,897) in view of Koch and further in view of Aksu and Suzuki (JP 405336262A). It is asserted that Huang discloses a device as recited in the pending claims but for disclosing features allegedly disclosed by the other references. It is further asserted that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine all of these references. Assignee respectfully traverses.

With respect to independent claim 44, neither Huang, Koch, Aksu, nor Suzuki, nor any other related art of record, disclose the present invention as claimed. For example, Huang does not teach, among other things, logic to communicate to the caller via the wireless device a

message containing a called party's information, the called party's information including a name of the called party and a photo of the called party stored on the wireless device, the called party being a user of the wireless device receiving a call from the caller, wherein the logic interacts with a contact manager logic on the wireless device to cause the contact information associated with the called party to be communicated to the caller via one or more of Short Message Service (SMS), Enhanced Message Service (EMS), and Multimedia Message Service (MMS). This feature is found, for example, in paragraph [0038] of the present invention's specification.

According to the present invention, when a caller calls a callee, the callee's information is sent to the caller by SMS, MMS, or EMS. Thus, the person making the call receives information on the person they are calling. Huang discloses a system wherein a dial-up internet user can see a caller's name and number while remaining connected to the internet (Huang, Column 2, Lines 60-66). This is because, when using a dial-up connection, the user cannot receive phone calls while using the internet. This is nothing like the present invention. For instance, nowhere does Huang disclose sending the called party's information back to the caller. The present invention allows for this, for example, via SMS, EMS, or MMS. The information can give the caller, for example, a picture of the callee that has been stored on the device. The only information the caller even has in Huang is that which the caller used to call the callee, nothing sent back from the callee. This feature is simply not present in Huang.

Furthermore, Koch cannot cure the deficiencies of Huang because Koch also lacks this feature. Koch discloses redirecting a telephone call according to instructions from the recipient (Koch, Column 2, Lines 20-23). However, nowhere does Koch disclose logic sending the callee's information back to the caller. At most, the cited portion of Koch discloses that someone answering the phone can tell a caller where the intended called party is (Koch, Column

1, Lines 17-40). The cited portion states that “The answering party may further take a message from the caller, or provide additional information regarding the intended called party’s whereabouts (Koch, Column 1, Lines 30-34).” This is simply part of the background, stating that if the person one is trying to call isn’t there then someone answering the phone may be able to tell the caller where the person is. This has nothing to do with call logic and contact manager logic interacting to send a message back to the caller. The caller is never sent the callee’s information including the callee’s name and/or photo, and certainly not in the manner claimed in the present invention.

Aksu fails to cure the deficiencies of Huang and Koch with respect to the claim because Aksu also lacks these features. The Examiner asserts that Aksu teaches the logic interacts with a contact manager logic on the device to cause the contact information associated with the called party to be communicated to the caller via one ore more of SMS, MMS, or EMS. This assertion by the Examiner is incorrect. Aksu discloses a picture caller line identification system for use in a mobile network (Aksu, Column 1, Lines 45-49) At most, Aksu discloses sending a message to a called party’s handset (Aksu, Column 10, Lines 33-49). The cited portion of Aksu states that “The information is sent to the PCLI manager, and the PCLI manager sends the PCLI information onto the Enhanced Message System (EMS) for immediate delivery to the called party’s handset” (Aksu, Column 10, Lines 33-49). Thus, the called party is receiving information from the calling party, not vice versa. The only information sent at all by the called party is an acknowledgement of the receipt of the PCLI information, and this is sent through the EMS to the PCLI manager, not the calling party. Nowhere does Aksu disclose sending a callee’s information back to a caller using SMS, EMS, or MMS. Sending information to a party being called and sending information to the calling party are completely different features requiring

completely different abilities in a device. Aksu does not disclose sending any message back to the caller. Thus, the caller is not provided with a name and photo of the callee. This feature is simply not present.

Suzuki cannot cure the deficiencies of the other references with respect to the independent claim. Suzuki discloses that a name and telephone number of a called subscriber are previously stored in a name/number memory. When the caller later decides to call the called subscriber, the image, the name, and the telephone number of the called subscriber are called out. This memory is on the calling device and simply recalls a previous called party. Nothing is being sent from the called party to the calling party. There is no SMS, MMS, or EMS being sent to the calling party from the called party. Such features are not found anywhere in Suzuki. Thus, Suzuki cannot cure the deficiencies of the other references. For at least this reason, the rejection should be withdrawn.

Dependent claims 45 and 46, which depend on claim 44, also cannot be obviated because they depend on a claim which cannot be fairly anticipated or obviated by Huang, Koch, Aksu, or Suzuki, as discussed above. These dependent claims add further features that, in combination with the features presented in the independent claim, clearly further distinguish the claims from any teaching or suggestion by the references. For at least these reasons, the rejections should be withdrawn. Furthermore, there is no motivation to combine any of these references outside of Assignee's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Actions, claims 47-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Koch and further in view of Aksu and Suzuki, and

further in view of Cruickshank. It is asserted that Huang, Koch, Aksu, and Suzuki teach all of the elements of claim 44 but do not teach the external computing device receiving photo information for the caller from the wireless device and including the photo information in the new contact record for the caller. Further, it is alleged that Cruickshank teaches such features and, thus, it would have been obvious to combine such teaching with Huang, Koch, and Suzuki to render obvious the present invention as recited in the claims. Assignee respectfully traverses.

Dependent claims 47-50, which depend on claim 44, cannot be anticipated or obviated because they depend on a claim which cannot be fairly anticipated or obviated by Huang, Koch, Aksu, Suzuki, or Cruickshank, alone or in combination, as discussed above. These dependent claims add further features that, in combination with the features presented in the independent claim, clearly further distinguish the claims from any teaching or suggestion by the references. For at least these reasons, the rejections should be withdrawn.

No extension of time is believed necessary to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Assignee respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Assignee respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: June 14, 2011

/Fariborz Moazzam, Reg. No. 53,339/

Fariborz Moazzam

Reg. No. 53,339

Cust. No. 65,667

MOAZZAM & ASSOCIATES, LLC

7601 Lewinsville Road, Suite 304

McLean, Virginia 22102

(703) 442-9480 (office)

(703) 991-5978 (fax)